

⁵ *Rose v. Lundy*, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b).

1 IT IS THEREFORE ORDERED that **this petition is DISMISSED** without prejudice.

2 IT IS FURTHER ORDERED that **a certificate of appealability is DENIED.**

3 The Clerk of Court is directed to **ENTER JUDGMENT** accordingly and CLOSE THIS
4 CASE.

5 Dated: December 9, 2019

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8 U.S. District Judge Jennifer A. Dorsey
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